

Executive Order 10485--Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States

Source: The provisions of Executive Order 10485 of Sept. 3, 1953, appear at 18 FR 5397, 3 CFR, 1949-1953 Comp., p. 970, unless otherwise noted.

WHEREAS section 202(e) of the Federal Power Act, as amended, 49 Stat. 847 (16 U.S.C. 824a(e)), requires any person desiring to transmit any electric energy from the United States to a foreign country to obtain an order of the Federal Power Commission¹ authorizing it to do so; and

WHEREAS section 3 of the Natural Gas Act, 52 Stat. 822 (15 U.S.C. 717b), requires any person desiring to export any natural gas from the United States to a foreign country or to import any natural gas from a foreign country to the United States to obtain an order from the Federal Power Commission authorizing it to do so; and

WHEREAS the proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance at the borders of the United States of facilities for the exportation or importation of electric energy and natural gas; and

WHEREAS it is desirable to provide a systematic method in connection with the issuance and signing of permits for such purposes:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

Section 1. (a) The Secretary of Energy is hereby designated and empowered to perform the following-described functions:

(1) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country.

(2) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation or importation of natural gas to or from a foreign country.

(3) Upon finding the issuance of the permit to be consistent with the public interest, and, after obtaining the favorable recommendations of the Secretary of State and the Secretary of Defense thereon, to issue to the applicant, as appropriate, a permit for such construction, operation, maintenance, or connection. The Secretary of Energy shall have the power to attach to the

issuance of the permit and to the exercise of the rights granted thereunder such conditions as the public interest may in its judgment require.

(b) In any case wherein the Secretary of Energy, the Secretary of State, and the Secretary of Defense cannot agree as to whether or not a permit should be issued, the Secretary of Energy shall submit to the President for approval or disapproval the application for a permit with the respective views of the Secretary of Energy, the Secretary of State and the Secretary of Defense.

[Sec. 1 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

Sec. 2. [Deleted]

[Sec. 2 deleted by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

Sec. 3. The Secretary of Energy is authorized to issue such rules and regulations, and to prescribe such procedures, as it may from time to time deem necessary or desirable for the exercise of the authority delegated to it by this order.

[Sec. 3 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

Sec. 4. All Presidential Permits heretofore issued pursuant to Executive Order No. 8202 of July 13, 1939, and in force at the time of the issuance of this order, and all permits issued hereunder, shall remain in full force and effect until modified or revoked by the President or by the Secretary of Energy.

[Sec. 4 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

Sec. 5. Executive Order No. 8202 of July 13, 1939, is hereby revoked.

¹ **Editorial note:** The Federal Power Commission was terminated and its functions transferred to the Department of Energy by Pub. L. 95-91 (91 Stat. 565, 42 U.S.C. 7101 nt.), effective Oct. 1, 1977.